

**REMARKS**

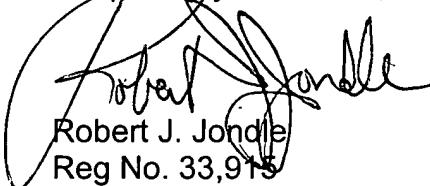
Claims 1, 7, 8, 15, 19, 20, 23, 24, 27, 30, 34, 37 and 39 have been amended for clarification purposes and claims 9, 10, 16-18 and 31 have been withdrawn. These amendments are not intended to narrow the scope of these claims. The claims have been rewritten to place them in better form for examination and to further obviate the 35 U.S.C. §§102, 103 and 112 rejections set forth in the Office Action dated May 13, 2003. It is believed that none of these amendments constitute new matter. Withdrawal of these rejections is requested.

Claims 1-14, 19-24, 27-29, 32-35 and 37-40 are rejected under 35 U.S.C. §102(e) as being anticipated by Loh et al. (US Patent Application 2002/0058327 A1). Applicant has amended claims 1, 7, 8, 27 and 30 to specify glyphosate herbicide and genetic engineering as suggested by the Examiner. Accordingly, withdrawal of this rejection is requested.

Claims 15-18, 30 and 31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Loh et al. (US Patent Application 2002/0058327 A1) as applied under 35 U.S.C. §102(e) above, in view of Holmes et al. (US Patent No. 6,407,316). Applicant has withdrawn claims 16-18 and 31. Claims 15 and 30 have been amended. Applicant submits that the glyphosate resistant rhizobial strains of the present invention unexpectedly increased the nodulation of leguminous plants having resistance or tolerance to glyphosate. Accordingly, withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. §§102, 103 and 112 and is not obvious over the prior art. Reconsideration of this application and early notice of allowance is requested.

Respectfully submitted,



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